IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

Crl.MC.No. 4625 of 2001(C)

CC.201/1997 OF JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM.

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PETITIONER/ FIRST ACCUSED:

M. RAJAN, ACCUSED IN C.C. 201/1997 OF THE JUDICIAL I CLASS MAGISTRATE COURT, MALAPPURAM.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.), ADV. SRI.B.S.SWATHY KUMAR.

RESPONDENT/ COMPLAINANT:

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 12/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 3784/2001 IN CRLM.C. NO. 4625/2001

DISMISSED

12/11/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R. UDAYABHANU, J.

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CRL.M.C.NO.4625 OF 2001

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DATED THIS THE 12th November 2007

ORDER

The petitioner who is the accused in C.C.No.201/1997 in the file of the Judicial First Class Magistrate Court, Malappuram with respect to the offences under Sections 419 and 468 of the Indian Penal Code and Section 12(1)(b) of the Indian Passport Act has sought for getting quashed the above proceedings specifically on the ground that the pre-requisite envisaged under Section 15 of the Passport Act that there shall be previous sanction of the Central Government to institute the prosecution. It is pointed out that sanction has been obtained only on 5-11-2001 and the court has taken cognizance of the matter long back and the charge was framed on 17-11-1997. Evidently the proceedings for the offence under Section 12(1)(b) of the Indian Passport Act cannot be sustained as Section 15 of the Passport Act envisages previous sanction even to institute the proceedings. Hence, the

proceedings with respect to offence under Section 12(1)(b) is herewith set aside. All the same,the petitioner will have to stand trial for the offences under Sections 419 and 468 I.P.C. The case will stand posted before the court below on 12-12-2007. The criminal miscellaneous case is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.M.C.NO. 4625 OF 2001

ORDER

12-11-2007